

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENYA JOSEPH,

Plaintiff,

v.

RENAL CARE GROUP, INC., d/b/a
FRESENIUS MEDICAL CARE NORTH
AMERICA,

Defendant.

CASE NO. C15-5178 BHS

ORDER REQUESTING
ADDITIONAL BRIEFING AND
RENOTING MOTION


This matter comes before the Court on the parties' status reports (Dkts. 27, 28).

On August 6, 2015, Defendant Renal Care Group, Inc., d/b/a Fresenius Medical Care North America ("Fresenius"), moved for summary judgment, arguing Plaintiff Kenya Joseph ("Joseph") is judicially estopped from asserting claims she did not disclose in her bankruptcy proceeding. Dkt. 14. On September 28, 2015, the Court continued Fresenius' motion while the bankruptcy court addressed pending matters in Joseph's bankruptcy proceeding. Dkt. 24. The Court directed the parties to file a joint status report by December 18, 2015. Dkt. 26.

1 On December 18, 2015, the parties filed the instant status reports. Dkts. 27, 28.
2 Although the parties exchanged their proposed status reports before the deadline, the
3 parties were unable to agree on a joint status report. Dkt. 27 at 1; Dkt. 28 at 2. In light of
4 the issues raised in the parties' status reports, the Court requests additional briefing on (1)
5 the developments in the bankruptcy court and (2) the impact of those developments with
6 respect to judicial estoppel. The parties should simultaneously file opening briefs by
7 January 22, 2016. The parties should file responsive briefs by January 29, 2016.
8 Fresenius' motion for summary judgment (Dkt. 14) is renoted to January 29, 2016.

9 **IT IS SO ORDERED.**

10 Dated this 7th day of January, 2016.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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